

**REPORT - PLANNING COMMISSION MEETING
November 18, 2004**

Project Name and Number: Fremont Hub PetsMart (PLN2005-00044)

Applicant: Terry Novak, Benner Stange Associates Architects

Proposal: To consider a Zoning Administrator's referral of a Zoning Administrator Permit to allow a kennel as an accessory use (for PetsMart) and a Finding for Site Plan and Architectural approval of a 34,508 square foot building at the Fremont Hub.

Recommended Action: Approve, based on Findings and subject to Conditions

Location: 39400 Argonaut Way, Fremont Hub, Central Planning Area (Central Business District)

Assessor Parcel Number(s): 501-0976-006-09

Area: 2.4 acres – Project Area (Fremont Hub 51.7 acres)

Owner: POB Montgomery & Company

Agent of Applicant: Terry Novak, Benner Stange Associates Architects

Consultant(s): The Bearls Group – Landscape Architects

Environmental Review: This project is categorically exempt from CEQA review per Section 15302, Replacement and Reconstruction, Class 2.

Existing General Plan: CBD, Central Business District

Existing Zoning: C-B-D, Central Business District

Existing Land Use: Vacant building site (former Theatre)

Public Hearing Notice: Public hearing notification is applicable. A total of 334 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Sundale Drive, Argonaut Way, Monterey Way, Parkhurst Drive, Stratton Common, Ross Common, Wainwright Common, Wainwright Terrace, Wall Common, and Walnut Avenue. The notices to owners and occupants were mailed on November 5, 2004. A Public Hearing Notice was delivered to The Argus on November 2, 2004 to be published by November 4, 2004.

Executive Summary: The applicant has submitted a Finding for Site Plan and Architectural Approval for a 34,508 square foot new retail building within the Fremont Hub. The new building is proposed to be located in the south west corner of the Fremont Hub Shopping Center, near the intersection of Walnut Avenue and Argonaut Way. The adjacent pedestrian connections, parking area, and landscaping are all being upgraded/replaced as part of this project. The Planning Commission is also being asked to consider a Zoning Administrator referral of a Zoning Administrator Permit (ZAP) that would allow the applicant to operate a "kennel" as an accessory use. The need for the ZAP for a kennel is as a result of PetsMart (main tenant), who now provide what they call a PETsHOTEL (kennel) within some of their new stores. Staff recommends approval of the Zoning Administrator Permit and the Finding for Site Plan and Architectural Approval, subject to the conditions of approval.

Background and Previous Actions: The Fremont Hub Shopping Center was originally developed in the early 1960's. Since that time, numerous additions and changes have been made to the center in an effort to retain the major tenants, attract new retailers and keep pace with current retailing trends. The center has undergone at least three previous major façade and design programs, including the development of the Target Store, and most recently the Michaels re-location,

which included the construction of a formal access (vehicle/pedestrian) from Argonaut Way and Sacramento Avenue into the Hub. The block in which the Hub is located is owned by several different parties, who work together through various joint access and parking agreements to ensure that the Hub functions from a site design perspective as a single development. The two (2) main landowners within the Hub are POB Montgomery and CX Target, and other landowners include two (2) independently owned/operated service stations located at the Mowry Avenue end of the Hub, and the California Bank located north of the Target Store (Fremont Blvd. at Beacon). The W. Burdette Williams Historical Park and Carriage House fronting Fremont Boulevard were deeded to the City for use as a City park in 1963 with the original development of the Hub.

A Master Plan for the POB Montgomery Holdings was included for Informational purpose with the 2003 approvals (Michaels re-location), which was approved by Planning Commission on October 9, 2003. The Master Plan identified that the subject lands under review through this report would be redeveloped with a new building to anchor the southwest corner of the Hub.

Project Description: The applicant is requesting approval of a Finding for Site Plan and Architectural Approval (SPAA) for the development of a new building within the Hub. Specifically, the application would allow for the development of a new retail building totaling approximately 34,508 square feet. It should be noted that the proposed application only effects a very defined area within the HUB, which is outlined on the plans included within Exhibit "A". The scope of the work includes:

1. Demolition of the existing building which has already been completed. Separate demolition permit issued for this work in October 2004.
2. Development of a new retail building for PetsMart and adjacent tenant space (2 spaces) totaling approximately 34,508 square feet.
3. Redesign of the surface parking area within the project area to improve vehicle circulation/pedestrian connections.
4. New landscaped islands and landscaping placed within the upgraded parking area.

Project Analysis:

General Plan Conformance: The existing General Plan land use designation for the project site is Central Business District (CBD). The proposed project is consistent with the existing General Plan land use designation for the project site because the proposed commercial uses are allowed in the CBD. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

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| Policy LU 2.7 | Site design and building development in the Central Business District shall be oriented towards pedestrians and transit...
The applicant has created opportunities for additional pedestrian connections. The proposed project includes improved landscaping, increased pedestrian connections and enhanced vehicle circulation within the project area which complements the approvals granted for the Hub over the last few years. The site design improves the visual character of the project area, and both vehicle and pedestrian connections within the Hub. |
| Policy LU 2.8 | CBD developments shall provide safe, convenient and continuous pedestrian walkways...
The modifications proposed within this area add numerous pedestrian sidewalks between buildings, correcting existing deficiencies and encouraging pedestrian movement. These sidewalks will link all adjacent buildings including the Target Store, which staff sees as a critical linkage which was previously missing. |
| Policy LU 2.10 | Encourage publicly visible art works in new private developments and in public spaces.
Staff encouraged and the applicant is willing to provide public artwork either within the new project area or in the plaza area approved through the 2003 approvals. The artwork should be valued at least one percent of the total valuation of the project, consistent with the policy the City has for public buildings. The applicant, however, requests additional time to select an appropriate |

piece of artwork and has requested that approval of the piece be delegated to staff during the Development Organization review process. Staff recommends that the Planning Commission support the request and delegate its approval to the Planning Director (Condition B-1).

Zoning Regulations: The project site is zoned C-B-D. The proposed retail commercial uses are permitted, subject to Site Plan and Architectural Approval (SPAA) by the Planning Commission. As stated in Section 8-21200 of the Zoning Ordinance, the purpose of the C-B-D is "to provide for a concentration of retail, service and office uses reflecting the needs of the entire City and the sub-region. Development within the district shall be in accordance with principles contained within the general plan and policies adopted by City Council".

As noted previously in the report, the applicant has requested approval of a Zoning Administrator Permit to allow as an accessory use the operation of a Kennel (PetsHotel) within the PetsMart Retail Store. Staff has been advised by the applicant that as a part of PetsMart's new vision, they are now placing kennels with most of their new stores. The kennel portion of the business is proposed to occupy approximately 6,500 square feet of the 26,228 square foot new PetsMart facility. Detailed below are some questions which staff posed to PetsMart, along with PetsMart's specific responses, which provide an explanation as to the proposed operation of the kennel.

What type of animals will be boarded at the kennel?

"PetsHotel (Kennel) provides all the comfort of home for dogs and cats."

What is the typical length of stay for the animals?

"Varies. PetsHotel facility offers our pet guests 24-hour care by our safety certified professionals. Pet parents will have the ultimate peace of mind knowing their pets will receive superior and personalized care in a fun and safe environment for any length of stay."

How is noise taken care of – barking etc?

"PetsHotel will be designed with superior acoustical technology to keep all noise contained inside the facility."

What square footage of the store does the "boarding kennel" of the business take up?

"PetsHotel will occupy approximately 6,556 square feet of the 26,050 square foot building."

Are the animals walked outside the building? How are they exercised if they are boarded for a week or two?

"The PetsHotel has no direct access to the outside and no outside activity or dog runs. For active pet guests, the PetsHotel playroom provides exercise, socialization and playtime sessions."

How is the waste from the animals taken care of?

"The PetsHotel is a fully air-conditioned facility with separate dog and cat ventilation systems and has a separate sanitary sewer system for animal waste disposal."

Does PetsMart have an employee at the facility 24-hours a day?

"Yes. Safety certified and trained in all aspects of care, our PetsHotel caregivers are on-site 24-hours day, seven days a week."

Staff sees the operation of a kennel within PetsMart as a natural extension to the retail store. Staff would also suggest that there will be little to no impact on the surrounding land uses as the kennel operation will be contained totally within the retail store.

Parking: The parking area will be reconfigured to improve circulation. Once the proposed project has been completed, a total of 2,666 parking spaces will be provided for the entire Hub, which exceeds the number of spaces required by the City's ordinance (1 space per 250 gross square feet) where 2,582 spaces are required.

Circulation/Access Analysis: The project site is located in southern corner of the Hub, adjacent to the intersection of Walnut Avenue, Argonaut Way, and Parkhurst Drive. Several driveways surrounding the Hub provide vehicular access to the project site. The closest driveways, for access to the parking lot, are a new signalized driveway on Argonaut Way at

Sacramento Avenue, and an existing driveway on Walnut, approximately 250 feet northeast of the PetsMart building. An existing service vehicle driveway is located on Argonaut between Trader Joe's and PetsMart.

The applicant proposes to modify the existing parking area northeast of the new building. This parking area was upgraded with new tree planters as part of the Target development project. The applicant's proposal will further upgrade this parking area by: creating more landscaped area; including widening existing planters around trees to be preserved; providing a new pedestrian walkway between PetsMart and Target; providing a new pedestrian connection between PetsMart and Trader Joe's; aligning drive aisles for better vehicular circulation; and adding a new loading dock adjacent to the existing Trader Joe's loading dock. The plan also closes one vehicular ingress/egress point along the east-west drive aisle closest to the proposed pedestrian walkway. Eliminating this ingress/egress point will strengthen the existing on-site 4-way intersection, as well as, provide a more distinct pedestrian path of travel between Target and PetsMart. The revisions to the parking area are illustrated on sheet A04, which shows the "Existing Site Plan" and "Proposed Site Plan."

The existing pavement within the parking lot, existing on-site sidewalks and curbs, and existing sidewalks and curbs along Argonaut Way and Walnut Avenue are in disrepair. This project shall repair existing pavement and sidewalk deficiencies on-site and repair sidewalk along the project's Argonaut Way and Walnut Avenue frontage. Pavement repair plans and recommendations shall be developed by the project civil/geotechnical engineers and shall be coordinated with the project architect and project landscape architect. The plans shall be developed with respect to existing trees to be preserved (Condition D-1). An encroachment permit is required for all work within the public right-of-way.

Design Analysis:

Architecture: The building and shops will incorporate the same integral color CMU split-face units and ground-face units as currently used on the new Michael's building. Building entry areas will be accented by stucco plaster entry elements with areas for signage, covered steel canopies, and special cornice treatment identifying the PetsMart anchor building and the shops. Storefront glazing has been used on the PetsMart façade and is also the predominant material used on the two (2) tenant spaces adjacent to Walnut Avenue. Building pilasters and trellises are located on all exposed elevations to provide for pedestrian scale and to be consistent with the Michael's project. In addition, a stucco cornice wraps the entire building providing a finished, complete look on all facades. Special architectural features are also located at the corner of the building facing both Argonaut way and Walnut Avenue. These special architectural features accent the building edges and provide architectural variety through the use of material modifications and color accent.

Landscaping: The parking lot will be planted with broad-dome canopy trees for shade. In addition, street trees consistent with the existing street trees shall be provided along Argonaut Way.

City Landscape Architect Review of Proposed Tree Removal and Preservation: The proposed project is located on a site that has a total 26 mature trees and 25 trees with DBH of less than 6" which were planted as part of the previous approved development. The tree location and species are identified on Exhibit "B" "Tree Survey Removal and Protection Plan Sheet L3.0" prepared by the Beals Group November 4, 2004 (trees #43, 45 and 46 are *Quercus ilex* not *Quercus agrifolia*). Thirty of these trees are designated for preservation including a large California Pepper, a number of large Ash trees in the parking lot and along Argonaut Way and large Redwood trees at the corner of Argonaut Way and Walnut Avenue. The remaining trees are designated for removal due to their small size or poor health condition. Given that the project will preserve many trees and add new trees to the site further mitigation is not required. This is consistent with the provisions of the Tree Preservation Ordinance. In addition there are 13 mature trees along Argonaut Way located in front of the Trader Joe's which will be preserved with this development proposal.

The trees designated for preservation will require tree protection measures that may include alternate construction methods such as the use of structural soil and rubber sidewalk, relocation of proposed paving and curbs, relocation of utilities and modifications to grading. The City shall hire an arborist at the applicant's expense to analyze the impacts of the development on the trees and prepare specific guidelines for the preservation of these trees during Development Organization review. The applicant shall develop a sidewalk repair plan for the site that incorporates the preservation of the trees along Argonaut Way based on the arborist's findings and City Engineering Standards.

Pedestrian Circulation: Enriched paving treatment such as interlocking pavers, concrete pavers, and integral colored concrete are proposed to enhance pedestrian circulation throughout the site. The pedestrian linkages provide important connections between existing buildings and proposed buildings, and between parking lots and new building entries. Conditions are added to require richly colored interlocking pavers, concrete pavers, and integral colored concrete that are consistent with the intent of the plan.

Public Art: General Plan policy LU2.10 (Central Business District Design and Development Policy) encourages publicly visible art works be included in new private developments and in public places. As noted previously, the art shall be placed within this project area or within the new plaza area at the terminus of the entranceway off of Argonaut Way. Staff recommends that the Planning Commission strongly encourage the applicant to commission some artwork for this new plaza area (Condition B-1).

Development Impact Fees: This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance. The applicant will be entitled to a fee credit for the structures demolished.

Waste Management: This project involves retail and service uses and, shall be subject to the provisions of the California Integrated Waste Management Act of 1989 (AB939). The Act requires that 50% of the waste generated in the City of Fremont be diverted from landfill sites by the year 2000. Additionally, the project is subject to the City's Source Reduction and Recycling Element (1992), an Integrated Waste Management Ordinance (1995), and a Commercial/Industrial Recycling Plan (1997). These documents require that any new project for which a building permit application is submitted to include adequate, accessible, and convenient areas for collecting and loading trash and recyclable materials. The trash/recycling enclosures for the project shall be designed in a manner to be architecturally compatible with nearby structures and with the existing topography and vegetation in accordance with such standards. There will be one trash/recycling enclosure in the parking area in front of PetsMart and another behind the new building adjacent to Argonaut Way, both of which shall follow the requirements of Condition B-8.

Mapping and Subdivisions: The project plans show a proposed lot line adjustment between the Hub (PetsMart) parcel and the Target parcel, which would shift the parking in front of PetsMart from the Target parcel to the Hub parcel. The applicant has applied for the proposed lot line adjustment, but that application remains incomplete because the Hub parcel does not yet exist as shown.

The previous Hub finding, reviewed and approved by Planning Commission on October 9, 2003, included a condition requiring the applicant to file for a tentative parcel map and parcel map. This condition was required because of the tax parcels created at the Hub bisected or traversed existing buildings. The tentative parcel map was approved in June 2004. The City is awaiting receipt of the signed parcel map so that it can be filed and recorded at the County Recorder. Before building permits are issued for this project and before approval of the proposed lot line adjustment with the Target parcel, the applicant must submit the signed parcel map for final approval and recording (Condition C-8).

Grading/Topography: The site was a former movie theater and associated parking lot. The theater building is currently being demolished to make way for the proposed building. The existing parking lot will be revised as part of the PetsMart project. Site grading will consist of creating building pads and revising pavement grades to accommodate drainage changes due to the revised drive aisles and parking.

Urban Runoff Clean Water Program: The Federal Clean Water Act of 1972 and Water Quality Act (1987) require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. Adopted regulations require discharges of storm water associated with new development and construction to submit a Notice of Intent (NOI) to the State of California for activities disturbing more than one acre of land. The NOI is to include the development and implementation of a storm water pollution prevention plan emphasizing best management practices. The applicant will comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.

Environmental Analysis: This project has been determined to be categorically exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act Guidelines Section 15302, Replacement and Reconstruction. Section 15302 of the CEQA Guidelines provides for "Class 2" categorical exemptions, consisting of "replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity of the structure replaced, including but not limited to ... (b) replacement of a commercial structure with a new structure of substantially the same size, purpose and capacity." In this case, the existing building on the Hub site will be demolished to be replaced by reconfigured and reconstructed retail building on the same site.

Enclosures:

Exhibit "A"	Findings and Conditions of Approval for the Zoning Administrators Use Permit
Exhibit "B"	(Proposed Site Plan (A02), Truck Diagram (A03), Existing/Proposed Site Plan (A04), Building Elevation A05), Irrigation Plan (L1.0), Planting Plan (L2.0), Tree Survey removal and Protection Plan (L3.0) Irrigation & Planting Details (L4.0).
Exhibit "C"	Findings and Conditions of Approval for Site plan and Architectural Approval

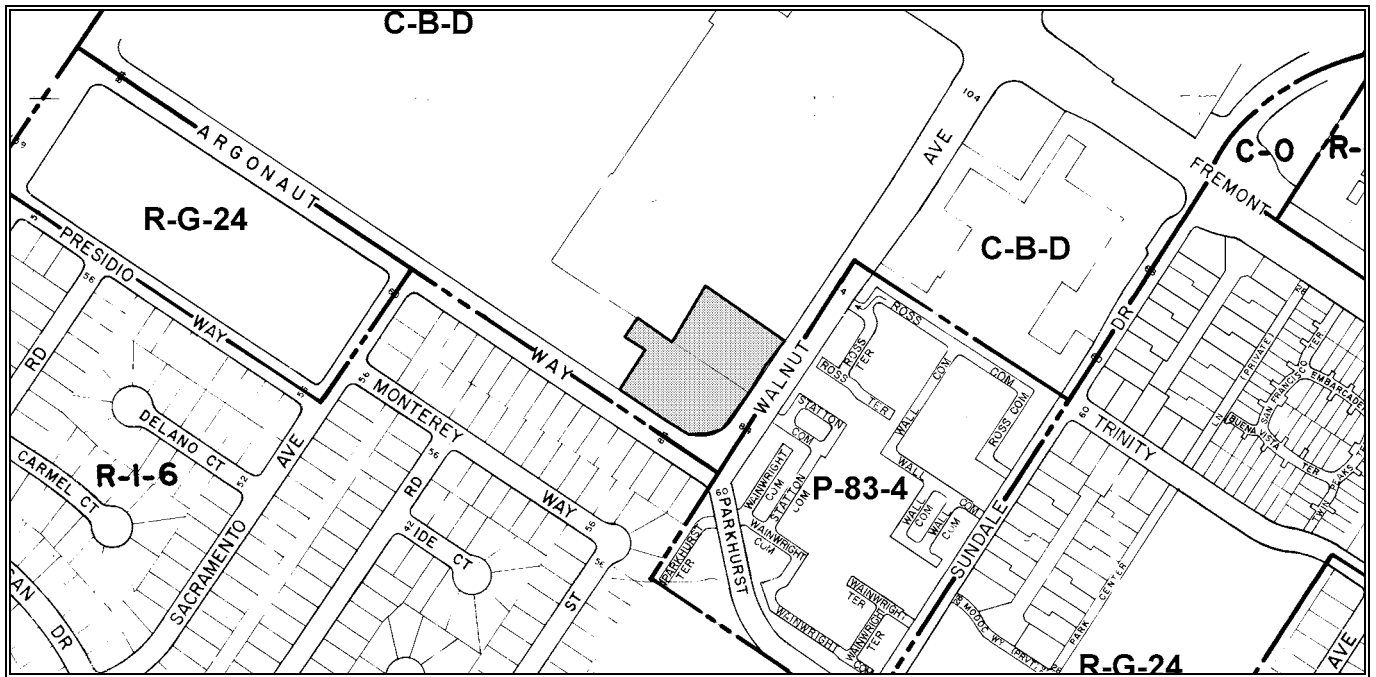
Exhibits:

Exhibit "A"	Findings and Conditions of Approval for the Zoning Administrators Use Permit
Exhibit "B"	(Proposed Site Plan (A02), Truck Diagram (A03), Existing/Proposed Site Plan (A04), Building Elevation A05), Irrigation Plan (L1.0), Planting Plan (L2.0), Tree Survey removal and Protection Plan (L3.0) Irrigation & Planting Details (L4.0).
Exhibit "C"	Findings and Conditions of Approval for Site Plan and Architectural Approval
Exhibit "D"	Material and Color Board

Recommended Actions:

1. Hold public hearing.
2. Find the project categorically exempt from the California Environmental Quality Act per Guidelines Section 15302, as it relates to the replacement and reconstruction of new structures (Class 2)
3. Find PLN2005-0044 is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use Chapter as enumerated within the staff report.
4. Approval PLN2005-00044, Zoning Administrator Permit, subject to the findings and conditions on Exhibit "A".
5. Approve PLN2005-00044, as shown on Exhibit "B", subject to findings and conditions on Exhibit "C".

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

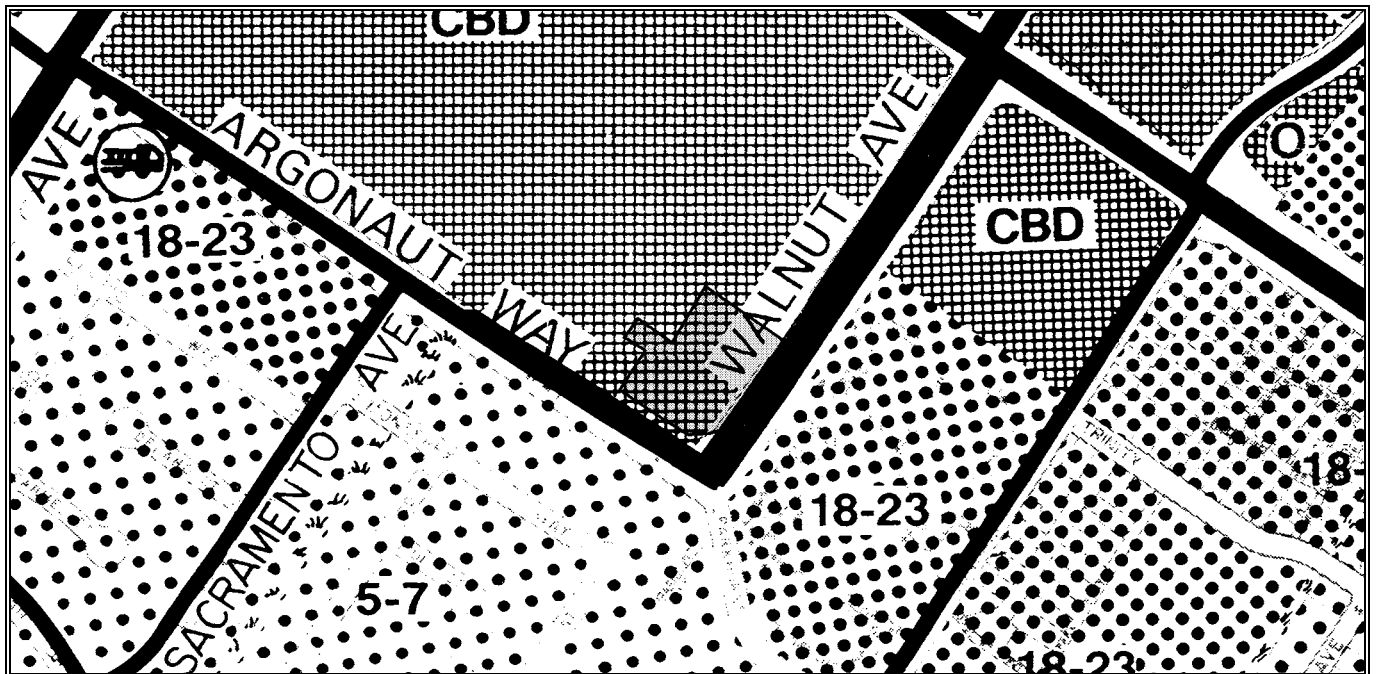


Exhibit "A"
Finding and Conditions of Approval
Zoning Administrator Permit
PetsMart –Kennel (PLN2005-00044)

Findings:

- A. The site is suitable and adequate for the proposed use because the kennel can be contained and accommodated entirely within in the proposed building and the use is clearly accessory to the main pet-oriented retail use.
- B. The proposed use would not have a substantial adverse effect on traffic circulation, the planned capacity of the street system and other public facilities or services because the location for the kennel within the proposed building will not result in a significant increase in traffic as clients will leave pets at the kennel for short to long periods of time, not generating large numbers of vehicle trips, or the need for additional public facilities as the kennel use is located on a site which was previously developed and adequately served by public facilities.
- C. The proposed use would not have a substantial adverse economic effect on existing nearby uses or on new development that would be in conformance with the General Plan because the kennel use does not compete with adjacent commercial uses, and the kennel complements the proposed pet-oriented retail use.
- D. The proposed use would not have a substantial adverse impact on the general welfare of persons residing in the community, because the use would not create nuisances or cause significant environmental impacts as the use will be contained within the building, the building will be constructed to acoustical standards that minimize noise, and waste generated from the kennel will be properly disposed.
- E. The design of the project is compatible with existing and proposed development within the district and its surroundings because the kennel is entirely contained within the existing building.

Conditions of Approval

- 1. Approval of PLN2005-00044 (Zoning Administrators Permit) shall conform to Exhibit "B" (Site Plan) as modified by the Conditions of Approval contained herein.
- 2. The operation of the kennel shall only take place entirely within the PetsMart building. There shall be no walking of cats and or dogs outside of the building.
- 3. The building shall be designed so that the noise from the kennel is contained within the building.
- 4. The operation of the kennel shall conform to the applicable State of California and County of Alameda regulations.
- 5. The Zoning Administrator Permit shall be subject to suspension or revocation by the Planning Commission or City Council at such time as any of the following conditions are found to exist:
 - (a) Any of the Conditions of Approval have not been fulfilled;
 - (b) The use has resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property; or
 - (c) The use has resulted in a substantial adverse impact on public facilities or services.

EXHIBIT "C"
Findings and Conditions of Approval for
PLN2005-00044 (Finding)
39400 Argonaut Way – 2004 Expansion

CBD Findings:

- 1) The proposed development properly relates to essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation and access points.

The applicant's proposed expansion would provide better auto and pedestrian circulation within the Fremont Hub Shopping Center. The reconfigured parking area will allow for enhanced pedestrian and vehicular circulation, which has been designed to compliment the recent redesign of the Safeway, Target, and the Michaels' parking areas. Various internal pedestrian connections/linkages are also proposed in an effort to increase pedestrian movement and reduce vehicle travel once within the Hub. In addition, stop signs will be installed at heavy traffic intersections within the parking lot. Screening, including walls with landscaping, has been added to enhance the loading areas from public view both from within the site and from the Argonaut Way.

- 2) The proposed development properly relates to public agency service requirements and opportunities, especially emergency public safety services;

The existing and proposed buildings are easily accessible and visible. The City of Fremont Police and Fire Departments have reviewed and conditioned the proposal to provide for appropriate lighting, access and fire protection.

- 3) The proposed development is visually, physically and functionally compatible with neighboring uses and neighborhood characteristics;

The building expansion and site improvements will compliment the new design, which has been carried through in previous phases of development. In addition, the applicant has worked with staff to provide additional architectural elements and landscaping to enhance the project. Major elements include display windows (tenant space), storefront glazing, shade trees along the pedestrian paths, and trellises with vines along screen walls.

The existing Fremont Hub contains an internal pedestrian circulation system with plazas and sidewalks, but is interrupted between the Target Store and the project site. A pedestrian connect linking the new building (PetsMart) with the Target Store is proposed through this project. The internal pedestrian system will also be enhanced as a connection from PetsMart to the Trader Joe's building will be completed.

- 4) The proposed development includes open space or other site facilities and provides an attractive environment for the occupants of the property to be developed.

The applicant's proposal will redesign the parking area and provide new landscaping within the proposed islands.

General Conditions

- A-1. Approval of PLN2005-00044 shall conform to Exhibit "B" (Site Plan, Landscape and Architecture) and all of the applicable conditions of approval set forth herein. The proposed plans submitted to the **Development Organization** shall substantially conform to the plans submitted with this application, except as modified herein.
- A-2. Minor modifications to Exhibit "B" (Site Plan, Landscape and Architecture) may be made subject to the review and approval of the Planning Director if such modifications are in keeping with the intent of the original approval, unless the Planning Director finds that such modification warrants review and approval by the Planning Commission.
- A-3. The applicant shall submit appropriate plans to the **Development Organization** for review to ensure compliance with all City codes, policies, and other requirements of the Fremont Municipal Code.

- A-4. The project shall be subject to all City-wide development impact fees. These fees may include, but are not limited to, fees for fire protection, capital facilities and traffic impact. The fees shall be calculated at the fee rate in effect at the time of building permit issuance. The applicant is entitled to a fee credit from the square footage of the former theatre building.

Planning Requirements

- B-1. Artwork shall be placed in the project area or within the plaza area at the terminus of the access roadway off of Argonaut Way. Such artwork shall be reviewed and approved by the Planning Director, and be part of the **Development Organization** submittal requirements. The artwork shall be installed by the applicant prior to the Occupancy Permit being issued for PetsMart.
- B-2. All utilities associated with the development of this project, including PG&E meters, and any roof mounted mechanical equipment shall be screened, and shall be subject to review and approval of staff during the **Development Organization** review process. The exterior fire alarm bells shall be painted black.
- B-3. The applicant shall provide additional lighting and/or incorporate any existing lighting into the photometric study to be submitted with the **Development Organization** review drawings. Lighting fixtures in the parking area shall be focused onto the project area and shielded away from adjacent roadways and residences. The applicant shall submit catalogue cuts of all exterior light fixtures with the **Development Organization** review drawings to be reviewed by Planning staff.
- B-4. Other than public roadway lights, no exterior lighting shall be permitted except that which has concealed source, subject to the review and approval of staff during the **Development Organization** review process.
- B-5. The applicant shall advise all future tenants that they must store their shopping carts within their tenant spaces. If for some reason, at some future time tenants are unable store carts inside their stores, then a screen wall shall be located in front of the store, completely screening the carts and not interrupting the flow of pedestrian movement, subject to the review and approval through the **Development Organization** review process.
- B-6. The design of the shopping cart storage areas within the parking area shall be reviewed through the **Development Organization** review process.
- B-7. The applicant shall install an electronic cart system to ensure the carts do not leave the parking area. This shall be reviewed through the **Development Organization** review process.
- B-8. The trash enclosures located in the parking area in front of PetsMart and behind the building on Argonaut Way shall be designed with finishes and colors which are unified and harmonious with the character of the adjacent architecture. This trash enclosure shall also be screened with landscaping/trellises (vines) and covered with a minimum six-foot high enclosure. The screening of the enclosure shall take place immediately with either more significant landscaping and/or fast growing landscaping. The location, architecture and screening of the enclosure shall be reviewed through the **Development Organization** review process.
- B-9. The applicant shall advise all future tenants that storage of stock/merchandise delivery/storage containers is prohibited anywhere outside of the buildings' exterior. This includes the storage of pallets in the loading areas.
- B-10. Signage is not part of this application. The applicant shall submit for all the required signage under a separate permit application.
- B-11. The applicant shall install bicycle parking, with the number and location to be determined by the City Traffic Engineer. These shall be shown on the **Development Organization** review submittal.

Engineering Division Requirements

- C-1. The project shall conform with Exhibit "B" (staff amended Site Plan and all conditions of approval set forth herein).

- C-2. The developer shall repair existing on-site pavement, curbs, and sidewalks, including the pavement and curbs in the service alley behind Trader Joe's. The developer shall also remove and replace the existing damaged sidewalk on Argonaut Way and Walnut Avenue. All pavement, curb, and sidewalk repair shall be done in accordance with a pavement repair plan provided by the project civil engineer, which implements pavement specifications provided by the project geotechnical engineer, which shall meet State law access requirements for persons with disabilities. The repair plan shall be coordinated with the project architect and project landscape architect. Plans shall take into account tree preservation measures and may require review by the City's on-call arborist. The required repair plans shall be included as part of the building permit plan set submitted to the Development Organization and are subject to review and approval of the City Engineer and City Landscape Architect, prior to issuance of the building permit. The public sidewalk repairs shall include the sidewalk within the area annotated on the site plan, sheet A02.
- C-3. The applicant shall submit a detailed soils report, including recommendations regarding pavement structural sections and pavement repair, prepared by a qualified soils engineer registered by the State of California.
- C-4. Grading operations shall be in accordance with recommendations contained in the required soils report and be supervised by an engineer registered in the State of California to do such work.
- C-5. The project plans shall include a signing and striping plan for the service alley area behind the proposed PetsMart building and behind the existing building which houses Trader Joe's, New Tung Kee Noodle, and other tenants. At times, passenger vehicles currently park behind these businesses within the service alley. If this area is to be used for service vehicle access and use, the driveways must be kept clear and vehicles must park in appropriately delineated parking stalls. The service alley may need to be designated and posted as a Fire Lane.
- C-6. Improvements within the public right-of-way shall conform to City standards. The applicant shall apply for and obtain an encroachment permit for all improvements within the public right-of-way. The encroachment permit shall be obtained prior to issuance of the building permit.
- C-7. The site circulation and parking shall be reviewed for conformance with Title VIII, Chapter 2, Article 20, of the Fremont Municipal Code during Development Organization. Minor changes to the proposed parking lot may be required in order to provide adequate room for trees to be preserved and to accommodate the necessary pavement repairs. Site circulation and parking is subject to staff review and approval.
- C-8. Prior to issuance of building permits for the PetsMart building and prior to approval of the proposed lot line adjustment, the property owner must submit the signed parcel map for final City approval and recording.
- C-9. Applicant shall provide for a functional drainage system subject to approval of the City during Development Organization review.
- C-10. Proposed curb elevations for the street system shall not be less than 1.25 feet above the hydraulic grade line (design water surface) and at no point should the curb grade be below the energy grade line. On-site grades are to be a minimum of 0.75 feet above the hydraulic grade line.
- C-11. In accordance with the Alameda Countywide NPDES Municipal Stormwater Permit, Order R2-2003-0021, NPDES Permit No. CAS0029831, the property owners shall enter into a maintenance agreement approved by the City Attorney for the long-term operation and maintenance of on-site stormwater treatment measures. The agreement shall run with the land.
- C-12. The applicant shall provide for a functional system to control erosion and siltation during and after construction subject to review and approval by the City Engineer during Development Organization. A separate plan shall be submitted for this purpose.
- C-13. The project plans shall include storm water measures for the operation and maintenance of the project for the review and approval of the City Engineer. The project plan shall identify Best Management Practices (BMPs) appropriate to the uses conducted on site that effectively prohibit the entry of pollutants into storm water runoff.

- C-14. The developer is responsible for ensuring that all contractors are aware of all storm water quality measures and that such measures are implemented. Failure to comply with the approved construction Best Management Practices will result in the issuance of correction notices, citations, or stop orders.
- C-15. All paved outdoor storage areas must be designed to reduce and limit the potential for runoff of contact pollutants. Bulk materials stored outdoors may need to be covered as determined by the City Engineer.
- C-16. The developer shall comply with the City's Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State's Water Quality Control Board.
- C-17. The property owner is responsible for litter control and for sweeping of all paved surfaces. Sidewalks, parking lots, and other paved areas must be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged to the storm drain.
- C-18. The proposed development shall provide waste and recycling enclosures that shall be made accessible to the City's waste management contractor. The location and accessibility of the trash and recycling enclosures shall be subject to the review and approval during Development Organization.
- C-19. All public and private storm drain inlets are to be marked "No Dumping – Flows to Bay." Color and type of marking shall be as approved by staff during Development Organization review.
- C-20. All washing/steam cleaning must be done at an appropriately equipped facility, which drains to the sanitary sewer. Outdoor washing must be managed in such a way that there is no discharge of soaps, solvents, cleaning agents, or other pollutants to the storm drains. Wash water should discharge to the sanitary sewer, subject to review, approval, and conditions of the Union Sanitary District.
- C-21. Interior floor drains shall be plumbed to the sanitary sewer system and shall not be connected to storm drains. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- C-22. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- C-23. Structures shall be designed to discourage the occurrence and entry of pests into buildings, thus minimizing the need for pesticides. For example, dumpster areas should be located away from occupied buildings, and building foundation vents shall be covered with screens.
- C-24. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
- C-25. Plant materials selected shall be appropriate to site specific characteristics such as soil type, topography, climate, amount and timing of sunlight, prevailing winds, rainfall, air movement, patterns of land use, ecological consistency and plant interactions to ensure successful establishment.
- C-26. Proper maintenance of landscaping, with minimal pesticide use, shall be the responsibility of the property owner.
- C-27. Food service facilities (including restaurants and grocery stores) shall have a sink or other floor mat, container, and equipment cleaning area, which is connected to a grease interceptor prior to discharging to the sanitary sewer system. The cleaning area shall be large enough to clean the largest mat or piece of equipment to be cleaned. The cleaning area shall be indoors or in a roofed area outdoors; both areas must be plumbed to the sanitary sewer.
- C-28. Outdoor cleaning areas shall be designed to prevent stormwater run-on from entering the sanitary sewer and to prevent stormwater run-off from carrying pollutants to the storm drain. Signs shall be posted indicating that all

food service equipment washing activities shall be conducted in this area. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.

- C-29. The project shall provide a roofed and enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during waste removal.
- C-30. Runoff from food service areas, trash enclosures, recycling areas, and/or food compactor enclosures or similar facilities shall not discharge to the storm drain system. Trash enclosure areas shall be designed to avoid run-on to the trash enclosure area. Any drains installed in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities shall be connected to the sanitary sewer. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- C-31. Loading docks shall be graded to minimize run-on to and runoff from the loading area. Roof downspouts shall be positioned to direct stormwater away from the loading area. Stormwater runoff from loading dock areas shall be drained to the sanitary sewer or stormwater runoff from loading dock areas shall be connected to a post-construction stormwater treatment measure(s) prior to discharge to the storm drain system. The applicant shall contact Union Sanitary District for specific connection and discharge requirements.
- C-32. Door skirts between the trailers and the building shall be installed to prevent exposure of loading activities to rain, unless one of the following conditions apply: the loading dock is covered, or the applicant demonstrates that rainfall will not result in an untreated discharge to the storm drain system.
- C-33. Fire sprinkler test water shall be drained to the sanitary sewer system (with approval from Union Sanitary District or drain to landscaped areas where feasible).
- C-34. For air conditioning units, air conditioning condensate should be directed to landscaped areas or alternatively connected to the sanitary sewer system after obtaining permission from Union Sanitary District. Any anti-algal or descaling agents must be properly disposed of. Any air conditioning condensate that discharges to land without flowing to a storm drain may be subject to the requirements of the State Water Resources Control Board's (SWRCB) Statewide General Waste Discharge Requirements (WDRs) for Discharges to Land with a Low Threat to Water Quality.
- C-35. Roof drains shall discharge and drain away from the building foundation to an unpaved area wherever practicable.
- C-36. Roof top equipment (other than that producing air conditioning condensate) shall drain to the sanitary sewer, or be covered and have no discharge to the storm drain. The applicant shall contact the Union Sanitary District for specific connection and discharge requirements.
- C-37. Sidewalks and parking lots shall be swept regularly to minimize the accumulation of litter and debris. Debris resulting from pressure washing shall be trapped and collected to prevent entry into the storm drain system. Washwater containing any soap, cleaning agent or degreaser shall not be discharged to the storm drain.
- C-38. All on-site storm drains must be cleaned at least once a year immediately prior to the rainy season. Additional cleaning may be required by the City of Fremont.

Landscape Division Requirements

- D-1. The following on site trees as identified on the Exhibit "Tree Survey Removal and Protection Plan Sheet L3.0" prepared by the Beals Group November 4, 2004 (trees #43,45 and 46 are *Quercus ilex* not *Quercus agrifolia*) shall be preserved: numbers 46 to 68,370 to 378, 383 to 385, 387 and 388. Trees number 41 to 46 as identified on the Fremont Hub Tree Survey prepared by the Beals group July 31,2003.
- D-2. The City shall hire an arborist at the applicant's expense to:
 - Analyze the impacts of the development on the trees designated for preservation

- Prepare specific guidelines for the preservation of these trees during the Development Organization Review subject to Staff approval. This may include modifications to curb and pavement design, hardscape, grading, utility locations and alternate construction methods such as structural soil or rubber sidewalk.
- Provide appraisals for any trees that have to be removed based on the arborist's recommendations or unforeseen conflicts with sidewalk or curbs subject to staff approval during Development Organization review.

D-3. Per FMC 8-22009, parking lots require one (1) tree per every ten (10) parking spaces; however, these trees must be evenly distributed within the parking area. These trees shall be large canopy trees located in planters free of inorganic material with a minimum 6' wide area in any direction (i.e., interior planter width, not including curbs, to be minimum 6') and no less than 48 square feet of soil surface area overall.

D-4. All planting areas containing trees shall be free of all utility structures (including light standards) and other built features consistent with the spacing requirements of City Standard Detail SD-34 City Standard Street Tree Clearances.

D-5. A landscape plan shall be submitted to the Development Organization as directed by the City Landscape Architect, for review and approval, indicating full details regarding: (1) paving materials and textures of walkways and paved pedestrian areas; (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures; (3) screening of driveways and parking areas; and (4) landscaping of site and open areas. As part of the landscape plans the applicant shall submit:

- An underground irrigation plan.
- Weed control specifications.
- A lighting plan for the illumination of the building, pedestrian and parking areas. Type of lighting fixtures, their heights, intensity and direction shall be clearly indicated.
- Construction details of raised planters, walkways, paths, benches, walls, fences, trellised, and other architectural features as appropriate to the project.

D-6. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect.

D-7. The applicant shall provide Street trees of 24" Box size and species indicated on the "Planting Plan L2.0" prepared by Beals Group November 4, 2004 in the City Right of Way on all public streets planted in conformance with City Standard Tree Detail SD-34.

Environmental Services Requirements

E-1. Trash enclosure areas shall be designed to prevent run-on or run-off from the area. Process water shall not drain to the storm drain system; these areas should connect to the sanitary sewer system.

E-2. Loading dock areas shall be designed to prevent run-on or run-off from the area. Wastewater from this area shall not discharge to the storm drain system untreated.

Fire Department Requirements

F-1. The applicant shall install an automatic fire sprinkler system in the building for fire protection purposes. Waterflow and control valves must be monitored by a central alarm monitoring system and Central Station. The monitoring system shall have a smoke detector placed over the fire panel, a pull station, and an audible device located in a normally occupied location.

F-2. Plan, specifications, equipment lists and calculations for the required sprinkler system must be submitted to the Fremont Fire Department Authority and Building Department for review and approval prior to installation. A separate plan review fee is required. Standard Required: N.F.P.A. 13 with local amendments, policies and standards.

- F-3. Prior to installation, plans and specifications for the underground fire service line must be submitted to the Fremont Fire Authority and Building Department for review and approval. Please include cathodic protection or soils report stating why protection is not required. Standard Required: N.F.P.A. 24 and N.F.P.A 14. **The applicant shall relocate the F.D.C 35 feet north of its existing location. This will bring its location to current code requirements of less than 100 feet from the FDC to the nearest fire hydrant.**
- F-4. The applicant shall provide for approval a site plan/ Civil Utility Plan with the location of public, on-site fire hydrants and Fire Department Connections location(s). **The applicant shall provide an additional on site fire hydrant in the planter located in the front of the available space/unit on the south end of the building.**
- F-5. The applicant shall comply with Fremont code requirements for installation of fire retardant roof coverings.
- F-6. The applicant shall have a key box (Knox brand) located outside of buildings/gates and provide keys to the Fire Department so they may gain access. Vehicle gates shall use Knox lock or keyed over-ride switch. Gates shall also have an infrared receiver installed. Applications can be obtained at Fire Administration office, 3300 Capital Ave, Fremont.
- F-7. The applicant shall install Fire alarm system as required. The system must be monitored. The system must be N.F.P.A. 72 compliant and have an interior audible device per the C.F.C. Upon completion a "UL" serial numbered certificate shall be provided at no cost to the City of Fremont Fire and Life Safety Inspector. Fire alarm systems devices shall be addressable and report to the Central Monitoring Station addressable.
- F-8. Address must always be visible from Public Street. Flag lots must have monument sign and green bott dot.
- F-9. A driveway access serving one dwelling/structure shall have a minimum 20 foot unobstructed width driveway/access road. The access road must provide all portions of the first floor with the required 150 feet access to the rear of the building. A driveway/ access road serving two or more dwelling/structures shall have a minimum 20 foot unobstructed width. A driveway access serving three or more dwelling/structures shall have a minimum 20 foot unobstructed linear width. **These driveways/access roads shall be designated as Fire Lanes.** Driveway /access roads and shall meet Fire Department standards for distance, weight loads, turn radius, grades, and vertical clearance. Approved turnarounds shall be required for distances over 150 feet from public streets. Other mitigation's shall/may be required in addition to those listed. (CFC Sec. 902.2 as amended)
- F-10. Fire Department Connections for all sprinkler system must be located not more than 100 feet from a fire hydrant. N.F.P.A 14. All inlets shall have Knox type caps and signs/address placards installed at the connection.
- F-11. Fire hydrant spacing requirement is 300 feet. Spacing. The distance is measured as the fire engine travels on all-weather surfaces.

HAZARDOUS MATERIALS UNIT:

- G-1. The applicant must immediately notify the Fremont Fire Department Hazardous Materials Division of any underground pipes, tanks or structures; any suspected or actual contaminated soils; or other environmental anomalies encountered during site development activities. Any confirmed environmental liabilities will need to be remedied prior to proceeding with site development.

During Construction

- H-1. Construction activities shall be limited to the following hours of operation:

7a.m. to 7 p.m. Monday through Friday
9 a.m. to 6 p.m. Saturday
No construction activities allowed on Sunday

Failure to comply with the above mentioned hours of operation would result in the withholding of inspections.

END OF CONDITIONS